

By: Harris

S.B. No. 2505

A BILL TO BE ENTITLED

AN ACT

relating to safety of children who participate in rodeos.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 768 to read as follows:

CHAPTER 768. CHILDREN PARTICIPATING IN RODEOS

Sec. 768.001. DEFINITIONS. In this chapter:

(1) "Bull riding helmet" means a rodeo helmet that is designed to provide substantial protection for a person's head and face during bull riding.

(2) "Child" means a person under 18 years of age.

(3) "Department" means the Department of State Health Services.

(4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Protective vest" means protective clothing that covers a person's chest and torso to prevent or mitigate injury to those areas.

(6) "Rodeo" means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including:

(A) riding a horse, with or without a saddle, that attempts to throw off the rider;

(B) riding a bull;

1                    (C) roping an animal, including roping as part of  
2 a team;

3                    (D) wrestling a steer; and

4                    (E) riding a horse in a pattern around preset  
5 barrels or other obstacles.

6                    (7) "Rodeo helmet" means headgear that is designed to  
7 provide protection for a person's head during a rodeo activity  
8 other than bull riding.

9                    Sec. 768.002. PROTECTIVE GEAR REQUIRED FOR CHILDREN  
10 PARTICIPATING IN RODEO. (a) A child may not participate in:

11                    (1) a rodeo activity, other than bull riding, unless  
12 the child wears a rodeo helmet; or

13                    (2) bull riding unless the child wears:

14                    (A) a bull riding helmet; and

15                    (B) a protective vest.

16                    (b) A parent or legal guardian of the child may not  
17 knowingly or recklessly permit the child to participate in:

18                    (1) a rodeo activity, other than bull riding, unless  
19 the child is wearing a rodeo helmet; or

20                    (2) bull riding unless the child is wearing a bull  
21 riding helmet and protective vest.

22                    (c) To satisfy the requirements of this section, a helmet or  
23 protective vest must meet the standards adopted under Section  
24 768.004.

25                    (d) In a cause of action in which damages are sought for  
26 injuries or death suffered by a child in connection with a rodeo  
27 activity, including bull riding, the failure of the child or of the

1 parent or legal guardian of the child to comply with this chapter  
2 does not constitute responsibility causing or contributing to the  
3 cause of the child's injuries or death for purposes of Chapter 33,  
4 Civil Practice and Remedies Code.

5 Sec. 768.003. RODEOS ASSOCIATED WITH SCHOOL. (a) This  
6 section applies only to a primary or secondary school that  
7 sponsors, promotes, or otherwise is associated with a rodeo in  
8 which children who attend the school are likely to participate.

9 (b) A primary or secondary school to which this section  
10 applies shall, not more than 14 days before each rodeo associated  
11 with the school, conduct a mandatory educational program on safety,  
12 including the proper use of protective gear, for children planning  
13 to participate in the rodeo. The educational program may consist of  
14 an instructional video, subject to department approval.

15 (c) A child may not participate in a rodeo associated with  
16 the child's school unless the child completes the educational  
17 program under this section not more than 14 days before the first  
18 day of the rodeo.

19 Sec. 768.004. RULES. (a) The executive commissioner by  
20 rule shall adopt standards for:

- 21 (1) rodeo helmets;
- 22 (2) bull riding helmets; and
- 23 (3) protective vests.

24 (b) For purposes of this section, the executive  
25 commissioner may adopt standards established under federal law or  
26 adopted by a federal agency or a nationally recognized  
27 organization.

1        (c) The executive commissioner shall adopt rules  
2 establishing requirements for the educational program under  
3 Section 768.003.

4        SECTION 2. (a) The change in law made by this Act applies  
5 only to a rodeo activity that occurs on or after January 1, 2010.

6        (b) The executive commissioner of the Health and Human  
7 Services Commission shall adopt the rules required by Section  
8 768.004, Health and Safety Code, as added by this Act, not later  
9 than November 1, 2009.

10       SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2009.